

May 1, 2023

Honorable Aileen M. Cannon
Alto Lee Adams, Sr.
United States District Court
101 South U.S. Highway 1, Room 4044
Fort Pierce, FL 34950

PRO SE:

UNOPPOSED MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE.

Honorable Judge Cannon,

I, Robert J. Kalaba, defendant in case S3-13 Cr. 794, comes before you requesting in an UNOPPOSED MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASED PURSUANT TO 18 U.S.C. 3583 ss (e) (1) and Rule 32.1(c) (2) of the Fed. Rules of Crim. Proc, and respectfully requests the court accept Mr. Kalaba's waiver of a hearing in this matter, find that early termination of Mr. Kalaba's supervised release is warranted by his conduct while on release as well as the interests of justice, and issue an order terminating his supervised release.

As grounds, Defendant Kalaba states:

1) On October 23rd, 2013, a criminal complaint was filed charging Mr. Kalaba with two counts: and on August 4th, 2015, a superseding indictment was filed against Mr. Kalaba with two additional charges:

Count one-Narcotics conspiracy, in violation of title 21 U.S. code section 841 (b) (1) (c).
Count two-Promethazine with codeine conspiracy in violation of title 21 U.S. code section 846.

Count three- Conspiracy to use invalid registration number, fraudulently obtain controlled substances and furnish false information to the DEA, in violation of title 21 U.S. code section 843 (a) (3)

Count four-Conspiracy to commit money laundering in violation of title 18 U.S. code section 1956 (a) (1) (A) (i) and (a) (1) (B) (i)

2) On October 22nd, 2015, Mr. Kalaba was found guilty of counts 1,3 &4 after a three-week trial and was subsequently sentenced to a term of 84 months, which he completed and was released on October 20th, 2020, and completed his RC on March 20th, 2021.

3) During his incarceration Mr. Kalaba has completed 17 programs & received certificates, he also completed & obtained his national serve safe certificate to use in food establishments as well as the R.D.A.P. program.

4) Section 3583 (e) (1), title 18 of the federal code provides that the court may after considering the factors set forth in 3553 (a) (1), (a) (2) (B)-(D), (a) (4)-(7) "terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release pursuant to provisions of the federal rules of criminal procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and in the interest of Justice [.]" Rule 32.1 (c) of the federal rules of criminal procedures provides the procedural mechanisms for the defense to seek and early termination of supervised release. Rule 32.1 (c) (1) provides that "before modifying the conditions of [] supervised release, the court must hold a hearing of which the person has the right to counsel and the opportunity to make a statement and present any information in mitigation." Fed. R. Crim. P. 32.1 (c) (1) except, however, "(a) hearing is not required if; (A) the person waives the hearing; or (B) the relief sought is favorable to the person and does not extend the term of [] supervised release; (c) an attorney for the governmental received notice of the relief sought, has had a reasonable opportunity to object and as not done " Fed. R. Crim. P.32.1 (c) (2)

5) Mr. Kalaba completed his term of imprisonment and the B.O.P. residential reentry confinement on March 20th, 2021, and began his term of supervised release on that same date. Thus, Mr. Kalaba has completed over two years of supervised release and is therefore statutorily permitted to seek early termination of his supervised release 18 U.S.C 3583 (c) (1).

6) Upon Mr. Kalaba's release from the B.O.P. he was permitted to reside with his mother, sister, nephew, and his family. Mr. Kalaba reports regularly to the U.S.P.O. located in white plains, N.Y. as a condition of his supervised release.

7) Since his release from the B.O.P. Mr. Kalaba has been working full- time as manager of Carlo's restaurant in Yonkers N.Y. until February 4th, 2022. Since February 4,2022, Mr. Kalaba has been helping his sister operate a restaurant that she purchased in Boca Raton Florida and as a caregiver for his mother.

8) Since relocating to Boca Raton Fl, Mr. Kalaba has begun a relationship with an accomplished business owner by the name of Hope Ricciardi and has been gainfully employed and has complied with all his probation requirements.

9) As a condition of completing the R.D.A.P program while incarcerated, was assessed for outpatient treatment substance abuse treatment services and it was determined that he did not meet the diagnostic criteria for substance abuse use disorder and therefore treatment was not recommended. Mr. Kalaba submitted random supervised toxicology screens as required and tested negative for all toxicology screens.

10) Mr. Kalaba's Attorney at the time spoke to probation officer Claudell Brehon and she told him that the probation office "does not object to early termination, as long as USA is in agreement as well," as of now there is no AUSA assigned to my caseload.

11) Since being relocated and assigned Probation Officer Adrian Lieber, Mr. Kalaba has complied with all his probation requirements that P.O. Lieber has asked of him. P.O. Lieber also has said that he will not oppose Mr. Kalaba's request for early termination of probation since Mr. Kalaba is on the lowest level of probation and will not benefit from being on probation.

Adrian Lieber U.S. Probation Officer 501 S. Flagler Drive, Suite 400
West Palm Beach, Florida 33401
Office 561-804-4204 Cell 786-501-3596 and email: Adrian_Lieber@flsp.uscourts.gov

12) As a result, Mr. Kalaba respectfully requests this Honorable Court find that, after consideration of the factors set forth in 18 U.S.C 3553 (a) (7), early termination of Mr. Kalaba's supervised release is warranted by his conduct while on release as well as the interests of Justice. 18 U.S.C 3583 (e) (1). Additionally, Mr. Kalaba requests the court grant this motion without a hearing. In support of such request, Mr. Kalaba waives a hearing on this motion and notes that the relief sought in this motion is favorable to the defense and does not extend the term of his supervised release. If the court appoints counsel to assist Mr. Kalaba in his defense. Wherefore defendant Kalaba respectfully requests the court accept Mr. Kalaba's waiver of a hearing in this matter, find that early termination of Mr. Kalaba's supervised release is warranted by his conduct while on release is warranted by his conduct while on release as well as the interests of justice, and issue an order terminating his supervised release.

Respectfully Submitted



Robert J. Kalaba
914-280-5850 cell

From: Robert Kalaba <bkny054@gmail.com>
Sent: Tuesday, February 14, 2023 10:10 AM
To: Adrian Lieber <Adrian_Lieber@flsp.uscourts.gov>
Subject: Early Termination Motion

1

Good morning Mr. Lieber,
I am writing you this email to ask you if you would oppose my motion for early termination of my probation.
I would like to file it with your approval as to be unopposed.
Thank You,
Robert Kalaba

cc: clerk of court

From: Adrian Lieber <Adrian_Lieber@flsp.uscourts.gov>
Date: Thu, Mar 9, 2023, 8:24 AM
Subject: RE: Early Termination Motion
To: Robert Kalaba <bkny054@gmail.com>

Good morning Mr. Kalaba.
I would not oppose your motion for early termination.
Thanks,

Adrian Lieber
United States Probation Officer
501 S. Flagler Drive, Suite 400
West Palm Beach, Florida 33401
Office: (561) 804-4204
Cell: (786) 501-3596
Fax: (561) 655-1049
E-Mail: Adrian_Lieber@flsp.uscourts.gov